

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Abu Dhabi Comm. Bank, et al. ,

Plaintiffs,

- against -

Morgan Stanley & Co., Inc., et al.,

Defendants.

08-cv-07508

ECF CASE

**DECLARATION IN SUPPORT OF DEFENDANTS' *DAUBERT* MOTION  
TO EXCLUDE CERTAIN TESTIMONY BY PLAINTIFFS' EXPERTS**

JAMES P. ROUHANDEH pursuant to 28 U.S.C. §1746 hereby declares:

1. I am an attorney admitted to practice before this Court, and I am a partner in the law firm of Davis Polk & Wardwell LLP, counsel for defendants Morgan Stanley & Co. Incorporated and Morgan Stanley & Co. International Limited in the above-captioned matter. I submit this Declaration in support of Defendants' *Daubert* Motion To Exclude Certain Testimony By Plaintiffs' Experts, dated Feb. 8, 2013.

**REPORTS OF PLAINTIFFS' EXPERTS**

2. Attached hereto as Exhibit 1 is a true and correct copy of the report of plaintiffs' expert, Dr. Joseph Stiglitz, dated September 17, 2012, along with its accompanying exhibits and appendices.

3. Attached hereto as Exhibit 2 is a true and correct copy of the rebuttal report of plaintiffs' expert, Dr. Joseph Stiglitz, dated November 7, 2012, along with its accompanying exhibits and appendices.

4. Attached hereto as Exhibit 3 is a true and correct copy of the report of plaintiffs' expert, Dr. Michael A. Goldstein, dated September 17, 2012, along with its accompanying exhibits and appendices.

5. Attached hereto as Exhibit 4 is a true and correct copy of the rebuttal report of plaintiffs' expert, Dr. Michael A. Goldstein, dated November 7, 2012, along with its accompanying exhibits and appendices.

6. Attached hereto as Exhibit 5 is a true and correct copy of the report of plaintiffs' expert, Mr. Jeremy Reifsnnyder, dated November 14, 2012, along with its accompanying exhibits and appendices.

7. Attached hereto as Exhibit 6 is a true and correct copy of the report of plaintiffs' expert, Dr. Sanjiv Das, dated September 17, 2012, along with its accompanying exhibits and appendices.

#### **REPORTS OF DEFENDANTS' EXPERTS**

8. Attached hereto as Exhibit 7 is a true and correct copy of the report of defendants' expert, Dr. Steven Grenadier, dated October 17, 2012, along with its accompanying exhibits and appendices.

9. Attached hereto as Exhibit 8 is a true and correct copy of the report of defendants' expert, Dr. Christopher James, dated October 17, 2012, along with its accompanying exhibits and appendices.

#### **DEPOSITION TRANSCRIPTS**

10. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the deposition of plaintiffs' expert, Dr. Michael A. Goldstein, held on January 11 and January 31, 2012.

11. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the deposition of defendants' expert, Dr. Steven Grenadier, held on January 22, 2012.

#### HEARING TRANSCRIPTS

12. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the transcript of the November 2, 2010 hearing before this Court.

13. Attached hereto as Exhibit 12 is a true and correct copy of of excerpts from the transcript of the January 26, 2011 hearing before this Court.

14. Attached hereto as Exhibit 13 is a true and correct copy of the transcript of the December 27, 2012 hearing before this Court.

Dated: New York, New York  
February 8, 2013

DAVIS POLK & WARDWELL LLP

By: /s/ James P. Rouhandeh  
James P. Rouhandeh  
[james.rouhandeh@davispolk.com](mailto:james.rouhandeh@davispolk.com)

450 Lexington Avenue  
New York, New York 10017  
(212) 450-4000

*Counsel for Defendants Morgan Stanley &  
Co. Incorporated and Morgan Stanley & Co.  
International Limited*